

AMERICAN FORK CITY COUNCIL
OCTOBER 27, 2015
PUBLIC HEARING AND REGULAR SESSION MINUTES

PUBLIC HEARING

The American Fork City Council met in a public hearing on Tuesday, October 27, 2015 in the American Fork City Hall, 31 North Church Street. Those present included

Members Present:

James H. Hadfield	Mayor
Carlton Bowen	Councilman
Brad Frost	Councilman
Rob Shelton	Councilman
Jeff Shorter	Councilman
Clark Taylor	Councilman

Members Absent: None

Staff Present:

Craig Whitehead	City Administrator
Nestor Gallo	City Engineer
Richard Colborn	City Recorder
Cathy Jensen	Finance Officer
Kriss Garcia	Fire Chief
Judy Thimakis	HR Manager
George Schade	IT Director
Kasey Wright	Legal Counsel
Derric Rykert	Parks and Recreation Director
Lance Call	Police Chief
Audra Sorensen	Public Relations/Economic Development Director
Dale Goodman	Public Works Director
Adam Olsen	Senior Planner

7:15 p.m. - Receiving of public comment regarding easement vacations at 716 South 500 East (Watts) and 413 East 620 South (Mac Plumbing)

Mayor Hadfield explained that Watts Automotive was expanding and needed to build a building over an easement that had no utilities so it was going to be vacated. The easement near to Mac Plumbing was not needed as well and it would be abandoned.

Mayor Hadfield asked if there were any public comments on these two easements to be vacated. There were none. The hearing was adjourned at 7:17 p.m.

REGULAR SESSION

The American Fork City Council met in regular session on Tuesday, October 27, 2015 in the American Fork City Hall, 31 North Church Street, commencing at 7:30 p.m.

1. PLEDGE OF ALLEGIANCE; PRAYER BY COUNCILMAN ROB SHELTON; ROLL CALL.

Mayor Hadfield led the audience in the Pledge of Allegiance and Councilman Shelton offered a prayer.

2. SWEARING IN OF THE AMERICAN FORK YOUTH COURT MEMBERS.

Mayor Hadfield invited members of the American Fork Youth Court to come forward. The members of the Youth Court included:

Ashlyn Baker	Bethanne Pyper	Danny Vanderhoff
James Cecil	Kalea Lum	Kaydee Davis
Mariah Hayes	Mary Snow	Sage Adams
Shea Hennen	Summer Hennen	Swayzie Eastman
Talia Keetch	Tate Trinnaman	Tyler Heath
Lexi Sorensen		

Mayor Hadfield recognized their advisors Mallory Morriss and Sabrina Hennen.

City Recorder Richard Colborn issued the Oath of Office to those in attendance. They shook hands with the Council. There was general applause.

Scouts

Mayor Hadfield invited Scouts in attendance to come forward and introduce themselves.

<u>Troop 800</u>	Marshall Deans	Ethan Deans	Kaden Butterfield
	Dallin Larson	Taron Euell	Parker Moyes

(Additional Scouts	<u>Troop 19</u>	Logan Diether	Calvin Diether)
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Mayor Hadfield noted that their names would be in the minutes of the meeting. He wished them well and asked that when it came time to do an Eagle Project to come to the City as there were many things they could do to benefit the community.

Mayor Hadfield recognized in the audience Kevin Barnes who was running for City Council in next Tuesday's election. There was Councilman Shelton and Councilman Frost and also Allen Simpson running for the three available Council seats.

3. TWENTY-MINUTE PUBLIC COMMENT PERIOD - LIMITED TO TWO MINUTES PER PERSON.

There were no public comments.

4. CITY ADMINISTRATOR'S REPORT.

Mayor Hadfield reported that he talked with Mr. Whitehead today. He was feeling well and may be released to return to work the first of the week.

5. COUNCIL REPORTS CONCERNING COMMITTEE ASSIGNMENTS.

Councilman Bowen reported that the Beautification Committee was alive and well. One of the members had the idea of a Scarecrow Competition in which businesses as well as individuals put out a Scarecrow that reflected the nature or character of their business. The Committee has been approaching businesses and there have been several that indicated their intent to participate. Some have completed their Scarecrow. It was low cost or no cost to the City and was something to add a little fun and character to the community.

Councilman Frost spoke to the Scouts noting that Troop 800 was where he grew up. He did his Eagle Project at the Cemetery. He could go up there today and see what he had done. He challenged them to continue on to the Eagle Rank.

Councilman Frost invited all to the Veterans Day Program at the LDS Tabernacle on November 11 at 11:00 a.m. The keynote speaker would be Former Senator and Astronaut Jake Garn. The American Fork Marching Band would be present along with the Chamber Choir and two speech contest winners. There would be special recognition of four families that currently had members deployed.

Councilman Taylor had nothing to report at this time.

Councilman Shelton reported that the Chamber of Commerce held two Meet the Candidate events this last month. They were both hosted by the American Fork Hospital. There was a great turnout. The Chamber of Commerce was hosting the Trick or Treat on Main on Friday, October 30 from 4:00 p.m. to 6:00 p.m.

Councilman Shelton reported that the Library was doing great.

Councilman Shorter thanked the Youth City Council for helping with a Meet the Candidate night. He noted that the applications for a PARC Tax grant would be available starting November 1.

6. MAYOR'S REPORT

Mayor Hadfield commented that Church Street would be closed off during the Trick or Treat and the Fire and Police Departments would assist those crossing streets. The City offices would be participating.

Mayor Hadfield noted that Friday night would be the last Farmer's Market in Rotary Park this year.

COMMON CONSENT AGENDA

RESULT:	APPROVED [4 TO 1]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen

1. Review and action on the 8 October 2015 City Council work session minutes
2. Review and action on the 13 October 2015 City Council minutes
3. Review and action on the City bills for payment and purchase requests over \$25,000
4. Consideration regarding authorization to release the Improvements Durability Retainer in the amount of \$778.75 for The Grey Subdivision at 311 North 950 East. *(Requested by Dale Goodman, Public Works)*

ACTION ITEMS

(From Common Consent Agenda No. 5) CONSIDERATION REGARDING AUTHORIZATION TO RELEASE THE IMPROVEMENTS CONSTRUCTION GUARANTEE IN THE AMOUNT OF \$11,700 AND ISSUE A NOTICE OF ACCEPTANCE FOR THE RETENTION BASIN AT THE VILLAGE GREEN CONDOMINIUMS, 34 SOUTH 700 EAST. *(Requested by Dale Goodman, Public Works)*

Mayor Hadfield asked if there were questions on this item.

Councilman Bowen commented that this looked like it was thirteen or fourteen years old.

Mayor Hadfield added that it was more like twenty years old.

Councilman Bowen thought there was some kind of compromise on the retention basin and the City was going to deem it complete.

Mayor Hadfield explained that Village Green was started by Panda Homes. The area had been a dumping area. Certain promises were made by the developer. It was a low area and everything south of the high school drained there. It was agreed that the developer would put in a detention basin with a series of sumps that would allow the water to percolate into the aquifer. Over the years Panda Homes fell on hard times and let the project go. The Christensen Family picked up the project and they bonded for a portion of it. Mr. Christensen had a heart attack and passed away. His heirs sold his interest to Mr. Jaspering. Mr. Jaspering finished one unit. Mr. Jaspering then sold the remaining undeveloped ground to Mr. Doug Griffith and he put up part of the money. The project was old enough that there were some things the homeowners want repaired but it was way past the time for that.

Mayor Hadfield continued that he believed that Public Works had done a good job in drawing the line on what was fair and what was equitable and what needed to be done. There were still a few things that needed to be done related to a final plat being recorded.

Councilman Bowen asked if there was a representative of the Homeowner's Association in attendance and wondered if they were satisfied with the compromise. There was no representation.

Councilman Bowen asked if the City was confident that the retention basin was going to do what it was supposed to do.

Dale Goodman answered that they had not compromised it.

Mayor Hadfield explained that the City recently received about 1½ inches of rain in about 34 minutes and there was not any flooding in that neighborhood. Flooding had historically been an issue for years.

Mr. Goodman explained that they went through a punch list to make sure everything was done and they were recommending the release of the construction guarantee. There would still be the durability retainer for another year.

Councilman Frost asked what the durability retainer amounted to.

Mr. Goodman responded that it was 10 percent.

Councilman Frost stated that at a recent Meet the Candidate event this HOA was very present and they were very concerned. He asked how the HOA felt about it.

Mr. Goodman explained that this went back to the original agreements with Panda Homes. The agreement was that there would be a retention basin on the property and that the HOA would ultimately be responsible for the maintenance such as keeping the grass mowed, watering it, etc. He suggested that some may have moved in and not read that fine print. Now that the HOA was going to start maintaining it there was some resistance but it was not really a point of negotiation.

Councilman Frost thought that some did not understand and were puzzled.

Mr. Goodman thought that happened a lot in HOA's.

Councilman Frost asked if this was just for drainage on their property.

Mr. Goodman stated it received drainage from clear up to 300 North.

Mayor Hadfield added that the City was a partner in maintaining that basin. If it got mud or debris or a problem then it was the City that would repair the drainage. The HOA was to landscape and maintain it as it was their open space.

Councilman Bowen asked who owned the land that retention basin was on.

Mayor Hadfield answered that it was the Village Green Homeowners Association.

Councilman Bowen expressed that it was his understanding that this was the return of the construction retainer and there was an additional retainer of about \$1,600 that would still

be retained for a year.

Mr. Goodman answered that was correct.

Councilman Bowen continued that this had nothing to do with the agreement that the Homeowners Association was unhappy with and was separate from this action tonight.

Mr. Goodman answered that was correct.

Councilman Frost thought that it was unresolved in the mind of the HOA. He asked about this action and if they could wait two weeks.

Mr. Goodman answered that he knew that Mr. Griffith was anxious to get the money as he had obligations he had to pay for. This money was only about the completion of work on the retention basin. It did not have anything to do with anything else on the site. Legally the City could not retain this money once that construction was complete. That was his understanding.

Councilman Shelton commented that it had been mentioned to him that maybe some of the fencing that the City had taken down was not put back appropriately.

Mr. Goodman responded that the fencing was complete. On 50 South Street there was some fencing that did not have anything to do with the retention basin that still needed to be dealt with by Mr. Griffith.

Councilman Shorter moved to release the \$11,700 and issue a Notice of Acceptance for the retention basin at Village Green Condominiums. Councilman Taylor seconded the motion.

Councilman Taylor noted that was not a landfill and was and would forever be remembered as the polliwog pond.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

(From Common Consent Agenda No. 6) APPROVAL OF THE SALE OF REAL PROPERTY TO COOKIE CONRAD AND FRANK VOLPE AT APPROXIMATELY 530 NORTH 100 EAST *(Requested by Dale Goodman, Public Works)*

Mayor Hadfield explained that this was a non-buildable lot that was part of property that had been owned by Mr. Copper. It went into receivership and was purchased by Mr. Ecker who found it was a non-buildable lot and offered it to the City at a certain price. It was of interest to the City because of a wellhead on an adjacent parcel and this would provide access to that wellhead for future use and the adjacent piping. The well could be re drilled for the future growth of the City. The sale of this property amounted to 750 square feet to be sold for the same price that the City paid for it.

Councilman Taylor noted that on paragraph 5a it needed to be changed from a Warranty Deed to a Quit Claim Deed.

Kasey Wright suggested that on paragraph 1b, that, “as set forth in Exhibit A which is attached hereto,” which would be a copy of the Quit Claim Deed.

Councilman Taylor moved to approve the sale of 750 square feet of real property at approximately 530 North 100 East and authorize the Mayor to sign the Real Estate Purchase Agreement document and the Quit Claim Deed. Councilman Frost seconded the motion.

Councilman Shelton stated that he would be abstaining from this vote because of a conflict of interest as they had been a big supporter of his campaign. He did not think that would influence his vote but some may have the perception that it would so he would abstain from the vote.

Councilman Bowen commented that this little piece of land was part of the Mill Lane that was a historic public right-of-way. When they voted on creating a subdivision he voted against it because it sought to abandon the public right-of-way. His feelings were the same. He still supported the public right-of-way.

Councilman Shelton did not believe the sale of this property had anything to do with that Mill road. It was above that road. It was their drive approach.

Councilman Taylor added that it had nothing to do with this.

Councilman Bowen thought this was where the City wellhead was and the lane was right adjacent to the wellhead and this was right above the wellhead.

Mayor Hadfield answered that it was to the north probably several hundred feet.

RESULT:	APPROVED [4 TO 0]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Carlton Bowen, Brad Frost, Jeff Shorter, Clark Taylor
ABSTAIN:	Rob Shelton

1. REVIEW AND ACTION ON THE APPOINTMENT OF NATHAN MECHAM TO THE PARC TAX COMMITTEE *(Requested by Mayor Hadfield)*

Mayor Hadfield reported that Mr. Hansen had resigned from the PARC Tax Committee. He reviewed the applications that had been received previously and narrowed them down. He recommended the appointment of Nathan Mecham who lived at 252 East State Road.

Councilman Taylor moved to approve the appointment of Nathan Mecham to the PARC Tax Committee. Councilman Shorter seconded the motion.

Councilman Bowen opposed the PARC Tax and he also opposed the Committee that was

put in place and the way the PARC Tax was being implemented. He opposed that sales tax increase. He opposed some of the things that the sales tax increase was proposed to be used for and he did not think it was the proper role of government to be funding. He felt down the road, or even sooner, it opened up the City up to legal liability. That was why he would be voting against the motion.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Clark Taylor, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
NAYS:	Carlton Bowen

2. REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 413 EAST 620 SOUTH. (Requested by Dale Goodman, Public Works)

Mayor Hadfield explained that this was a matter of the earlier public hearing.

Councilman Shorter moved to adopt Ordinance No. 2015-10-64 approving the vacation of an easement at 413 East 620 South. Councilman Frost seconded the motion.

Councilman Bowen noted that the existing right-of-way was being replaced by a new right-of-way where the utilities were going to be moved to.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

3. REVIEW AND ACTION ON AN ORDINANCE APPROVING THE VACATION OF AN EASEMENT AT 716 SOUTH 500 EAST. (Requested by Dale Goodman, Public Works)

Mayor Hadfield stated that this was the Watts Automotive easement that was a subject of the earlier public hearing.

Councilman Taylor moved to adopt Ordinance No. 2015-10-65 approving the vacation of an easement at 716 South 500 East. Councilman Frost seconded the motion.

Councilman Bowen noted that this easement vacation was not being replaced by something else. He wanted to confirm that the City had no need for a right-of-way there.

Mayor Hadfield explained that there were no utilities in that easement and Watts Automotive wanted to build adjacent to the property line.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

4. REVIEW AND ACTION ON SUBDIVISIONS, COMMERCIAL PROJECTS, CONDOMINIUMS, AND PUD'S INCLUDING 1) PLAT APPROVAL; 2) METHOD OF SATISFACTION OF WATER RIGHTS REQUIREMENTS; 3) POSTING OF AN IMPROVEMENT BOND OR SETTING OF A TIME FRAME FOR IMPROVEMENT INSTALLATION; AND 4) AUTHORIZATION TO SIGN THE FINAL PLAT AND ACCEPTANCE OF ALL DEDICATIONS TO THE PUBLIC AND TO HAVE THE PLAT RECORDED.

- a. Review and action on an Ordinance approving a historic building conservation project for the Star Mill, located at 615 North 150 East in the R1-7,500 Residential zone. (Requested by Adam Olsen, Planning)

Adam Olsen explained it was proposed that the existing Star Mill be remodeled into office and some public assembly use in the off hours. The Planning Commission recommended approval. The proposed addition would be similar in scale to the existing structure. He asked if there were any questions.

Councilman Bowen supported the development and thought it would be a benefit to the City. He recognized that it was a historic building and it was being left intact. It was also a remodel of the existing building. It was stated in the Planning Commission notes that the construction of the existing building was old and substandard the remodel would improve that. He asked if the improvements were just cosmetic or if there would be some structural enhancements.

It was responded that there would be structural enhancements.

Councilman Frost complimented Matthew Harper commented that it was really looking good and really improved that area.

Councilman Shelton moved to adopt Ordinance No. 2015-10-66 approving a historic building conservation project for the Star Mill, located at 615 North 150 East in the R1-7,500 Residential zone, with instructions to the City Recorder to withhold publication of the Ordinance subject to all conditions identified in the public record associated with the October 7, 2015 Planning Commission meeting. Councilman Taylor seconded the motion.

Councilman Bowen noted that the Historic Preservation Ordinance required input from the Historic Preservation Committee. It was signed off by Juel Belmont but there were no committee members listed as present. There were no comments; nothing but a signature. It seemed to him that for a building like this there would be some comment made.

Councilman Shorter noted that the Committee met regularly. Ms. Belmont was the Chair of the Committee.

Councilman Bowen thought that for the record that might want to be corrected unless it was truly just Ms. Belmont's signature.

Councilman Shorter reported that he was in attendance at those meetings.

Mayor Hadfield asked that a copy of those minutes be attached to the form.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

5. REVIEW AND ACTION ON AN ORDINANCE ADOPTING AMENDMENTS TO VARIOUS SECTIONS OF THE OFF-STREET PARKING STANDARDS AND INCORPORATING THE ENTIRETY OF THE OFF-STREET PARKING STANDARDS INTO THE AMERICAN FORK CITY DEVELOPMENT CODE AS SECTION 17.5.133. (Requested by Adam Olsen, Planning)

Mayor Hadfield asked Adam Olsen to explain this Ordinance change.

Mr. Olsen explained that the amendment clarified and streamlined some of the parking requirements especially for restaurant uses. Developers seemed to be supportive of this. It changed the standard from 20 spaces per 1,000 square feet of gross floor area to 20 spaces per 1,000 square feet of dining area.

Councilman Frost asked what initiated this.

Mr. Olsen answered that it was the concerns of staff and input from developers over the past few years. That standard that the City had was very difficult if not impossible to adhere to. The new standard was what was being done in other areas. Also, in the Ordinance it required that visitor parking in a housing development be evenly distributed throughout a project.

Councilman Frost moved to adopt Ordinance No. 2015-10-67 approving amendments to various sections of the Off-Street Parking Standards and incorporating the entirety of the Off-Street Parking Standards into the American Fork City Development Code as section 17.5.133. Councilman Shorter seconded the motion.

RESULT:	APPROVED [4 TO 0]
MOVER:	Brad Frost, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
ABSTAIN:	Carlton Bowen

6. REVIEW AND ACTION ON A DEVELOPMENT AGREEMENT WITH CLYDE PROPERTIES LLC REGARDING ACTUAL CONSTRUCTION IN LIEU OF PROVIDING AN IMPROVEMENTS CONSTRUCTION GUARANTEE

ASSOCIATED WITH LOEFLER PARK TWIN HOMES, PLAT A AT 400 SOUTH STORRS AVENUE (Requested by Dale Goodman, Public Works)

Mayor Hadfield stated that Julie Smith representing Clyde Companies who has acquired the project was in attendance. He visited with them this past week and he was told that they wanted to do some improvements over what was presented to the Council previously. He was anxious to see those improvements on drainage.

Ms. Smith noted that Fred Clark would be the one working on that.

Councilman Bowen thought it was fine to do work in lieu of putting money up.

Ms. Smith explained that the reason for doing that right now was that they had only acquired half of the water and was working on getting the other half. They would like to get started on the project while they were getting the water.

Councilman Shorter moved to approve the Development Agreement with Clyde Properties LLC for Loefer Park Twin Homes, Plat A, and authorize the Mayor to execute the documents. Councilman Taylor seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

7. REVIEW AND ACTION ON THE BOLEY II ANNEXATION CONSISTING OF 79.40 ACRES AT 200 SOUTH 800 WEST INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE R1-12,000 RESIDENTIAL ZONE AND R1-20,000 RESIDENTIAL ZONE. (Requested by Richard Colborn, Recorder)

Adam Olsen explained that this was the completed annexation agreement that was approved over a year ago. All of the documents that went with the agreement have been executed and it was now ready to go.

Mayor Hadfield added that this was the last official action prior to recording.

Mr. Olsen answered that was correct. It was the same for the next three agenda items.

Councilman Taylor moved to approve the Boley II Annexation consisting of 79.40 acres at 200 South 800 West including the Ordinance of Annexation 2015-10-68, annexation agreement, and placement of the property in the R1-12,000 Residential zone and the R1-20,000 Residential zone. Councilman Frost seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Clark Taylor, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

8. REVIEW AND ACTION ON THE DUNCAN ANNEXATION CONSISTING OF 20.54 ACRES AT 570 WEST 700 SOUTH INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE R1-12,000 RESIDENTIAL ZONE. (Requested by Richard Colborn, Recorder)

Mayor Hadfield explained that this was like unto the last one and was another property from the Frandsen Family to be annexed.

Councilman Shorter moved to approve the Duncan Annexation consisting of 20.54 acres at 570 West 700 South including the Ordinance of Annexation 2015-10-69, annexation agreement, and placement of the property in the R1-12,000 Residential zone. Councilman Shelton seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Rob Shelton, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

9. REVIEW AND ACTION ON THE FRANDSEN-GRAY ANNEXATION CONSISTING OF 28.54 ACRES AT 1100 SOUTH 100 EAST INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE R1-20,000 RESIDENTIAL ZONE. (Requested by Richard Colborn, Recorder)

Mayor Hadfield explained that this was like unto the previous two annexations.

Councilman Shelton moved to approve the Frandsen-Gray Annexation consisting of 28.54 acres at 1100 South 100 East including the Ordinance of Annexation 2015-10-70, annexation agreement, and placement of the property in the R1-20,000 Residential zone. Councilman Shorter seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

10. REVIEW AND ACTION ON THE PULLEY ANNEXATION CONSISTING OF 58.71 ACRES AT 1100 SOUTH HARBOR ROAD INCLUDING THE ORDINANCE OF ANNEXATION, ANNEXATION AGREEMENT, AND PLACEMENT OF THE PROPERTY IN THE R1-20,000 RESIDENTIAL ZONE, THE PF PUBLIC FACILITIES ZONE AND THE M-1 MARINA ZONE. (Requested by Richard Colborn, Recorder)

Councilman Shelton moved to approve the Pulley Annexation consisting of 79.40 Acres at 200 South 800 West including the Ordinance of Annexation 2015-10-71, annexation agreement, and placement of the property in the R1-20,000 Residential zone, PF Public Facilities zone and M-1 Marina zone. Councilman Taylor seconded the motion.

Bruce Frandsen was not sure what the PF Public Facilities zone was covering.

Mayor Hadfield answered that it was the land under the power lines.

Mr. Frandsen thought that made sense. He drew attention to the area of the proposed cul-de-sac which was north of the existing hay barn. It was thought that would be in the M1 Marina zone. He asked if it was possible to amend that to the M1 zone tonight.

Mayor Hadfield answered that it would require the Planning Commission and City Council approval.

Mr. Frandsen thought just to move ahead as it was tonight. They could make a change at a later time.

Councilman Bowen moved to amend the motion to include the 7-8 acres referred to be included in the M1 Marina zone.

Councilman Bowen felt that was something the Council could do and take care of now.

Mayor Hadfield asked if that was agreeable to the motion and the seconder.

Councilman Shelton worried about getting too far from protocol. He was sure there was no problem with the issue but would not like to set precedent of by-passing the Planning Commission. He asked if that would be a problem.

Mr. Frandsen responded that they could make that work.

Councilman Taylor asked Planning Commission Chairman John Woffinden if he saw a problem with making the amendment tonight.

Mr. Woffinden agreed with Councilman Shelton that he would not like to start something that could not be controlled further down the road. It should go back through the Planning Commission. Everyone needed to be treated the same.

Bruce Frandsen withdrew his request.

Councilman Bowen withdrew his amendment.

Councilman Bowen stated that the Council was perfectly able to do that. He understood going through proper protocol but it was in front of the Council to vote on and it was in order to amend the motion.

Councilman Taylor added, with all due respect, there were groups and councils put into positions that can teach us and help us professionally. While we may believe we were all knowing, we were actually not. Being able to yield to the Planning Commission to get those things was the prudent and a wise thing for the Council to do.

Councilman Bowen did not claim to be all knowing, just for the record.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Clark Taylor, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

11. REVIEW AND ACTION ON A RESOLUTION APPROVING A REVISED SUPPLEMENTAL WATERSHED AGREEMENT NO. 13 FOR THE REHABILITATION OF THE DRY CREEK DEBRIS BASIN *(Requested by Richard Colborn, Recorder)*

Mayor Hadfield noted that this was acted on by the Council a couple of weeks or a month ago. It was then decided to have a change in the agreement.

Attorney John Jacob explained that when this agreement went to Department of Water Resources they asked that two sentences be omitted which addressed whether or not they would consider stocking fish in the Dry Creek Debris Basin.

Mayor Hadfield identified that the Dry Creek Debris Basin was on the border between Highland and Lehi and took the water that came down Dry Creek. Because American Fork was a member of the North Utah County Water Conservancy District it had a chance to review and approve the agreement.

Councilman Shorter moved to adopt Resolution No. 2015-10-28R approving a revised Supplement Watershed Agreement No. 13 for the rehabilitation of the Dry Creek Debris Basin. Councilman Frost seconded the motion.

RESULT:	APPROVED [4 TO 0]
MOVER:	Jeff Shorter, Councilman
SECONDER:	Brad Frost, Councilman
AYES:	Brad Frost, Rob Shelton, Jeff Shorter, Clark Taylor
ABSTAIN:	Carlton Bowen

12. CONSIDERATION AND ACTION ON ENTERING INTO AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION. *(Requested by Mayor Hadfield, Administration)*

Councilman Shelton moved to enter into Executive Session to discuss pending litigation at 8:36 p.m. Councilman Shorter seconded the motion.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Rob Shelton, Councilman
SECONDER:	Jeff Shorter, Councilman
AYES:	Bowen, Frost, Shelton, Shorter, Taylor

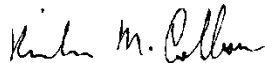
The City Council entered into an Executive Session at 8:40 p.m. in a downstairs work room. Those present included Mayor James H. Hadfield and Councilmembers Carlton Bowen, Brad Frost, Rob Shelton, Jeff Shorter and Clark Taylor. Also present were City Attorney Kasey Wright, Public Works Director Dale Goodman, Public

Relations/Economic Development Director Audra Sorensen, and City Recorder Richard Colborn. Pending litigation was discussed. The executive session was audio tape recorded as required by statute. The Executive Session concluded at 9:25 p.m. The Council returned to the Council Chambers.

Councilman Shelton moved to return to regular session at 9:30 p.m. Councilman Shorter seconded the motion. All were in favor.

13. ADJOURNMENT

Councilman Taylor moved adjournment at 9:30 p.m. Councilman Shelton seconded the motion. All were in favor.



Richard M. Colborn
City Recorder